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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,178	03/30/2004	Uttam K. Sengupta	1000-0042	5846
7590 04/02/2007 The Law Offices of John C. Scott, LLC c/o PortfolioIP P.O. Box 52050 Minneapolis, MN 55402			EXAMINER YANG, CLARA I	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/813,178

Applicant(s)

SENGUPTA ET AL.

Examiner

Clara Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14-21 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-6, 15-20 and 29-35 is/are rejected.
- 7) ☒ Claim(s) 21 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 16 January 2007 with respect to claims 1-6, 15-20, and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claims 29-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant's specification fails to expressly teach a computer readable storage medium storing the instructions called for in claims 29-31.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 15, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis (US 6,307,471) in view of Smith (US 2003/0025603) and Shintani (US 6,137,480).

Referring to claims 1, 15, and 29, Xydis teaches a method and an electronic device 14, which includes cellular phones or any other electronic equipment (see Col. 2, lines 57-59) and is understood to be a wireless device. As called for in claim 15, Xydis's electronic device 14 comprises (a) a plurality of user interfaces, such as keyboard 26 and mouse 28 (see Figs. 2 and 3; and Col. 4, lines 59-61); (b) a controller, which includes at least processor 24, that controls the operation of electronic device 14 and is in communication with keyboard 26 and mouse 28 to accept input from a user and to deliver output to the user (see Col. 2, lines 66-67; Col. 3, lines 1-4 and 38-67; Col. 4, lines 1-41 and 51-61); and (c) a wireless transceiver that enables two-way communication between electronic device 14 and token 12, which is a wireless entity (see Col. 2, lines 18-31 and Col. 3, lines 9-12). As called for in claims 1, 15, and 29, Xydis discloses processor 24 performing the following method: (a) receiving signal 10 (i.e., a wireless signal) via antennas 18 and measurement device 20 from token 12, which is a wireless body appliance being worn by user 16 (see Fig. 2; Col. 2, lines 25-33, 40-41, and 60-67; Col. 3, lines 1-4, 13-42, and 66-67; and Col. 4, lines 1-11); (b) determining whether user 16 is within a predetermined distance of electronic device 14 after receiving signal 10 by comparing signal 10's signal strength with an operational threshold (see Col. 5, lines 13-42 and 62-65); (c) enabling electronic device 14 and authorizing user 16 to access electronic device 14 when user 16 is within the predetermined distance and signal 10's user code is valid (see Col. 3, lines 38-42 and 66-67; and Col. 4, lines 1-3); and (d) causing electronic device 14 to remain disabled or disables electronic device 14 when

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user 16 is outside the predetermined distance (see Col. 3, lines 62-65 and Col. 4, lines 5-9). Xydis fails to teach (1) signal 10 indicating that user 16 has been authenticated; (2) processor 24 automatically logging in user 16 when user 16 is determined to be within the predetermined distance; and (3) processor 24 automatically locking electronic device 14 while keeping user 16 logged on upon determining that user 16 is outside the predetermined distance.

In an analogous art, Smith teaches a master authenticator 10 (i.e., a wireless body appliance) that is worn by a user and wirelessly transmits information associated with the user to a remotely located electronic device (i.e., a wireless device), which includes a personal digital assistant (PDA) and a cellular telephone (see Abstract and Sections [0005]-[0007] and [0011]). Per Smith, master authenticator 10 comprises (a) at least one biometric sensor (see Sections [0006] and [0016]); (b) a biometric authentication unit that determines whether the user is authorized with master authenticator 10 based on the user's biometric information (see Sections [0005], [0006], [0008], and [0016]); and (c) transmitter 16 that transmits a wireless signal indicating that the user has been authenticated when the biometric authentication unit determines that the user is authorized (see Fig. 2, step 60 and Sections [0005], [0007], [0008], and [0016]). As shown in Fig. 2, Smith's master authenticator 10 determines if it is worn by a user via sensor 12 at step 20 (see Section [0006]). If sensor 12 indicates that a user is properly wearing master authenticator 10 at step 22, master authenticator 10 allows the user to login and authenticates the user based on the login (see Sections [0006] and [0016]). Once a user successfully logs in, master authenticator 10's login means 14 authorizes transmitter 16 to transmit secure information (i.e., information associated with the user) at step 40 (see Section [0007]). Master authenticator 10 then monitors the immediate surrounding area to determine whether a compatible PDA (i.e., wireless device) is present at step 50 (see Section [0007]).

Because Smith discloses that a PDA determines that a valid master authenticator 10 is within a predetermined distance by transmitting a query to determine if a master authenticator 10 is present and "logged on" (see Section [0011], lines 20-24), the examiner understands that Smith's master authenticator 10 determines that a compatible PDA is present at step 50 when a query is received from the PDA (as described in Section [0011], lines 20-24) and that transmitter 16 then transmits information indicating successful authentication and user login in response to receiving the query (see Fig. 2, step 60). As called for in claims 1, 15, and 29, Smith's PDA then (a) receives master authenticator 10's wireless signal containing information that indicates that an authenticated user is logged on (see Sections [0007] and [0011]); (b) determines from the wireless signal that master authenticator 10 is valid (i.e., is in the PDA's database) based on the received information (see Section [0011], lines 20-31); and (c) automatically logs in the user if master authenticator 10 is a valid master authenticator (see Section [0011]). In Section [0011], lines 20-24, Smith teaches that when powering on the PDA, the PDA's software application first sends out a query to determine if a valid master authenticator is present and "logged on." In other words, the process described in Section [0011], lines 20-31, begins while the PDA is initially powered off; thus the user is not logged in the PDA. Because Smith discloses that the PDA continues with a login routine that the user must complete before accessing the PDA when the PDA fails to find a valid master authenticator present and that the PDA continues "uninterrupted" when the PDA finds a valid master authenticator, the examiner understands that the PDA automatically logs in the user when the PDA finds a valid master authenticator. Smith further teaches that the PDA is configured in accordance with a Bluetooth™ protocol (see Section [0011]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Xydis's method and system as taught by Smith because a token 12 that authenticates user 16 using biometric authentication and transmits signal 10 indicating that user 16 has been authenticated ensures that token 12 is only associated with an authorized user 16 (see Smith, Section [0005]) and prevents an unauthorized user to access electronic device 14 by stealing token 12, thereby providing a better way of protecting sensitive information (see Smith, Section [0002]). In addition, an electronic device 14 having a Bluetooth™ wireless transceiver since Bluetooth™ wireless interfaces are commonly used, are small, and require little power (see Smith, Section [0009]).

Xydis and Smith, however, fail to teach (1) processor 24 automatically logging in user 16 when user 16 is determined to be within the predetermined distance; and (2) processor 24 automatically locking electronic device 14 while keeping user 16 logged on upon determining that user 16 is outside the predetermined distance.

In another analogous art, Shintani's method comprises computer terminal 1 (i.e., an electronic device) having a communication section 14 (see Figs. 2 and 3, communication section 13; and Col. 2, lines 46-55 and 61-66) that must include a controller in order to perform the following functions: (a) receiving personal identification (i.e., a wireless signal) transmitted by non-contact card 2 (i.e., a wireless body appliance), which is worn by a user, via non-contact card 2's resonance circuit 6 (see Fig. 2, resonance circuit 5; and Col. 2, lines 24-39 and 61-66); (b) determining that the user is within detection area W (i.e., a predetermined distance of computer terminal 1's keyboard 3) after receiving non-contact card 2's signal (see Figs. 1 and 3; and Col. 4, lines 5-56); (c) automatically logging in the user when the user is determined to be within detection area W and the received personal identification is determined to be valid (see Col. 3,

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lines 11-17 and Col. 4, lines 5-47); (d) automatically causing computer terminal 1 to enter a power saving mode, thereby locking computer terminal 1, while keeping the user logged on upon determining that the user is logged on but is outside detection area W (see Col. 3, lines 49-67 and Col. 4, lines 1-3 and 48-56); (e) automatically releasing the power saving mode, thereby unlocking computer terminal 1, when the user is logged on and is detected within detection area W (see Col. 3, lines 49-67 and Col. 4, lines 1-3); and (f) repeating steps (b)-(e) at periodic intervals (see Col. 3, lines 49-54).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Xydis and Smith's method as taught by Shintani because the method of processor 24 (1) automatically logging in user 16 when user 16 is determined to be within the predetermined distance; (2) automatically locking electronic device 14 while keeping user 16 logged on upon determining that user 16 is outside the predetermined distance; (3) automatically unlocking electronic device 14 when detecting that user 16 is logged on and is again within the predetermined distance; and (4) repeating the determination, automatic login, automatic locking, and automatic unlocking at periodic intervals provides a plurality of advantages, such as (1) preventing another person except a valid user 16 from operating electronic device 14 by activating the screen saver and power saving function while user 16 is logged on electronic device 14 but is outside a predetermined distance of electronic device 14 see Shintani, Col. 1, lines 42-46) and (2) eliminating the need for valid user 16 to input his/her password every time he/she returns to access electronic device 14 (see Shintani, Col. 1, lines 47-51).

Regarding claim 2, as explained in the previous rejection of claim 1, Xydis's token 12, as modified by Smith, authenticates user 16 using biometric authentication (see Smith, Sections [0005], [0006], [0008], and [0016]).

Regarding claims 3, 4, and 17, as called for in claims 4 and 17, Xydis teaches that electric device 14 measures a received signal RF 10's strength (i.e., power level) and then compares the measured strength to an operational threshold (see Col. 3, lines 22-26, 38-42, and 62-65); thus Xydis's predetermined distance is less than token 12's wireless range, as called for in claim 3.

Regarding claims 5, 6, 19, 20, 30, and 31, as explained in the previous rejection of claims 1 and 15, Xydis's method, as modified by Shintani, comprises processor 24 (1) automatically releasing the power saving mode, thereby unlocking electronic device 14, when user 16 is logged on and is detected within detection area W (see Shintani, Col. 3, lines 49-67 and Col. 4, lines 1-3); and (2) repeating steps (b)-(e), which are described in the previous rejection of claims 1 and 15, at periodic intervals (see Shintani, Col. 3, lines 49-54).

Regarding claim 16, as explained in the previous rejection of claim 15, Xydis's electronic device 14 includes keyboard 26 and mouse 28 (see Figs. 2 and 3; and Col. 4, lines 59-61).

Regarding claim 18, as explained in the previous rejection of claim 15, Xydis and Smith teaches that electronic device 14 is configured in accordance with a Bluetooth™ protocol (see Smith, Sections [0009], [0011], and [0013]).

6. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis (US 6,307,471) in view of Smith (US 2003/0025603), Shintani (US 6,137,480), and Deng et al. (US 2003/0043078).

Referring to claims 32-35, claim 32 is substantially similar to claim 15, and claims 33-35 are identical to claims 18-20 respectively; hence, the rejections of claims 15 and 18-20 are

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maintained for claims 32-35. Claim 32, however, further calls for a dipole antenna connected to a wireless transceiver. Though Xydis's electronic device 14, as modified by Smith and Shintani, has a Bluetooth™ transceiver (see Smith, Sections [0009], [0011], and [0013]) and includes cellular phones and other electronic equipment (see Xydis, Col. 2, lines 57-59), such as a PDA (see Smith, Section [0011]), Xydis, Smith and Shintani omit teaching that electronic device 14's Bluetooth™ transceiver is connected to at least one dipole antenna.

In an analogous art, Deng teaches a dipole antenna module formed on a printed circuit board of a Bluetooth™ chip for devices such as PDAs and mobile phones (see Sections [0005] and [0031]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Xydis, Smith, and Shintani's electronic device 14 as taught by Deng because forming a dipole antenna on a printed circuit board saves space on the printed circuit board and enables the main function circuit and the dipole antenna to be integrated on a single chip for miniaturization (see Deng, Sections [0006], [0013] and [0015]).

Allowable Subject Matter

7. Claims 7-11 and 14 are allowed since the applicant amended claim 7 to include the limitations of claims 12 and 13. In the office action mailed on 24 October 2006, claim 13 was objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of claims 7 and 12.

8. Claims 21 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record fails to teach or suggest a wireless body appliance having (1) a wireless receiver that receives a wireless notification signal from a

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wireless device identifying an event that has occurred and (2) multiple different notification structure, wherein the wireless notification signal identifies which type of notification structure is to be used to notify the user of the event.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on Tuesdays, 1:00-2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571) 272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CY

28 March 2007



Clara Yang